

(2) Any person licensed as a fur-bearing animal propagator shall file the report required on or before August 31 of each year.

(b) Information for each license type shall include but not be limited to:

(1) Retail fur buyer—license number of trapper; number and kind of pelts purchased; and name, address, and license number of person or business; and number and kinds of pelts sold to each.

(2) Wholesale fur dealer—name and license number of person or business; number and kind of pelts purchased from each; and name and address of person or business and number and kind of pelts shipped to each.

(3) Fur-bearing animal propagator—number and kind of animals possessed on date of report; number and kind of live fur-bearing animals sold; license number or permit number to whom each live fur-bearing animal was sold; the number and kind of pelts sold; and the license number, name and address to whom pelt(s) was sold.

(c) Any person licensed as a retail fur buyer, wholesale fur dealer or fur-bearing animal propagator shall not be eligible for renewal of the license unless the requirements in subsection (a) of this section have been met.

§65.382. Importation of Fur-bearing Animals or Their Pelts. No person may import fur-bearing animals or their pelts into this state from another country without first obtaining necessary documentation for a declaration for importation of fish or wildlife as required by the United States Fish and Wildlife Service and the U.S. Customs Service.

§65.389. Penalty. The penalties for a violation of this subchapter are prescribed by Texas Parks and Wildlife Code, §71.015 and §71.016.

Issued in Austin, Texas, on July 29, 1981.

Doc. No. 815150 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Proposed Date of Adoption: September 4, 1981
For further information, please call (512) 479-4806.

Part III. Texas Air Control Board

(Editor's note: Proposed additions, repeals, and amendments submitted by the Texas Air Control Board will be published serially beginning in this issue. Chapters affected by this action are listed below. The proposals will be adopted following public hearings on August 31 and September 8. Submissions affecting Chapters 101 and 111 appear in this issue.)

Chapter 101. General Provisions

Chapter 111. Particulates

Particulate Matter from Industrial Processes

Transient Operations

Particulate Matter from Agricultural Processes

Exemptions

Compliance

Chapter 115. Volatile Organic Compounds

Countries in Other Than Ozone Nonattainment Areas

Storage of Volatile Organic Compounds in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Loading and Unloading Facilities in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Water Separation in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Vent Gas Control in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Storage of Crude Oil or Condensate in Hardin, Matagorda, Montgomery, and San Patricio Counties

Exemption in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Compliance in Aransas, Bexar, Calhoun, Hardin, Matagorda, Montgomery, San Patricio, and Travis Counties

Storage of Volatile Organic Compounds in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Facilities for Loading and Unloading of Volatile Organic Compounds in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Filling of Gasoline Storage Vessels (Stage I) for Motor Fuel Dispensing Facilities in Bexar, Brazoria, Dallas, Galveston, Harris, and Tarrant Counties

Water Separation in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Process Unit Turnaround and Vacuum Producing Systems in Petroleum Refineries in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Vent Gas Control in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Specified Solvent-Using Processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Surface-Coating Processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Graphic Arts (Printing) by Rotogravure and Flexographic Processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Perchloroethylene Dry Cleaning Systems in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Pharmaceutical Manufacturing in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Fugitive Emission Control in Petroleum Refineries in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Alternate Means of Control

Volatile Organic Compound Exemption Status in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Compliance in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

Chapter 101. General Provisions

The Texas Air Control Board proposes to delete the following definitions from §101.1 (131.01.00.001 and .002)—chemical process plant, exhaust emission, gas processing plant, and nonmethane hydrocarbons since these terms are no longer used in the regulations. The board also proposes to modify

the definition for lowest achievable emission rate to clarify the meaning and impact of new source performance standards; delete from the definition for surface coating process that portion of subsection (D)—paper coating, which excludes web coating of paper from the definition since this exclusion is no longer addressed in the regulations; more accurately reflect numerical values used in the definitions in both English and metric units; and add metric units of measure to the definition for submerged fill pipe.

The following amendments are proposed under the authority of Texas Civil Statutes, Article 4477-5.

§101.1 (131.01.00.001-.002). Definitions.

(a) In addition to the terms which are defined by the Texas Clean Air Act (Texas Civil Statutes, Article 4477-5), the following terms shall have the meanings given in this section.

[Chemical process plant—Any facility, other than a petroleum refinery, which uses carbon or a carbon-based compound as a feedstock and which, through chemical processes or reactions, changes that compound into a different product(s), by-product(s), or waste product(s).]

[Exhaust emission—Air contaminants emitted to the atmosphere from an opening downstream from the exhaust ports of a motor vehicle engine.]

[Gas processing plant—Any facility which is not a part of a petroleum refinery and which uses as its only feedstock a gas stream containing carbon or carbon-based compounds and which, through chemical or mechanical means, processes that stream for the removal of some or all of the carbon compounds, sulfur compounds, carbon dioxide, and/or water.]

Gasoline bulk plant—A gasoline loading and/or unloading facility having a gasoline throughput less than 20,000 gallons (75,708 [75,700] liters) per day, averaged over any consecutive 30-day period.

Gasoline terminal—A gasoline loading and/or unloading facility having a gasoline throughput equal to or greater than 20,000 gallons (75,708 [75,700] liters) per day, averaged over any consecutive 30-day period.

Lowest achievable emission rate (LAER)—For any emitting facility, that rate of emissions of a contaminant which does not exceed the amount allowable under applicable new source performance standards (NSPS) promulgated by the Environmental Protection Agency under §111 of the Federal Clean Air Act and which reflects:

(A)-(B) (No change.)

[Nonmethane hydrocarbons—The total hydrocarbon content of the sample minus the methane content of the sample.]

Standard conditions—A condition at a temperature of 68°F (20°C) and a pressure of 14.7 pounds per square inch absolute (101.3 [101] kPa). Pollutant concentrations from an incinerator will be corrected to a condition of 50% excess air if the incinerator is operating at greater than 50% excess air.

Submerged fill pipe—A fill pipe that extends from the top of a tank to have a maximum clearance of six inches (15.2 CM) from the bottom or, when applied to a tank which is loaded from the side, that has a discharge opening entirely submerged when the pipe used to withdraw liquid from the tank can no longer withdraw liquid in normal operation.

Surface coating processes—Continuous or assembly-line surfact coating operations using solvent-containing liquids.

(A)-(C) (No change.)

(D) Paper coating—The coating of paper and pressure-sensitive tapes (regardless of substrate and including paper, fabric, and plastic film) and related web coating processes on plastic film (including typewriter ribbons, photographic film and magnetic tape) and metal foil (including decorative gift wrap, and packaging). [This definition does not include operations using a web coating (printing process) that do not distribute coatings uniformly across the web.]

(E)-(H) (No change.)

(I) Light-duty truck coating—The assembly-line coating of motor vehicles rated at 8500 pounds (3855.5 [3900] kg) gross vehicle weight or less and designed primarily for the transportation of property, or derivatives such as pick-ups, vans, and window vans.

(J)-(K) (No change.)

(b) (No change.)

Issued in Austin, Texas, on July 24 1981.

Doc. No. 815067 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31 and
September 8 public hearings

For further information, please call (512) 451-5711, ext. 354.

Chapter 111. Particulates

Particulate Matter from Industrial Processes

The Texas Air Control Board proposes to amend TACB Regulation I by revising the title of the subchapter containing §§111.51-111.53 for clarification of the types of controls in the subchapter. The proposed amended title is Particulate Matter from Industrial Process.

The amended undesignated heading is proposed under the authority of Texas Civil Statutes, Article 4477-5.

§§111.51-111.53. (No change.)

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815068 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings

For further information, please call (512) 451-5711, ext. 354.

Transient Operations

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Texas Air Control Board proposes to repeal the subchapter containing §§111.61-111.65. The repealed subchapter is to be replaced with a proposed new subchapter, §§111.81-111.83 entitled, exemptions, to more clearly state the type of and requirements for exemptions from Regulation I.

Particulate Matter from Agricultural Processes

The Texas Air Control Board proposes to revise the title of the subchapter containing §§111.71-111.76 to define the types of controls contained therein. The proposed amended title is Particulate Matter from Agricultural Processes.

The TACB also proposes to revise §111.71 (131.03.07.001) to reflect the subchapter title change of §§111.51-111.53; to delete reference to §111.91; and to specify the title of §3.10(e) of the Texas Clean Air Act (relating to Certain Agricultural Processing Facilities).

The amendments are proposed under the authority of Texas Civil Statutes, Article 4477-5.

§111.71 (131.03.07.001). Applicability of Rules. Sections 111.21-111.27 of this title (relating to Visible Emissions), §§111.41-111.45 of this title (relating to Particulate Matter from Materials Handling, Construction, and Roads, Streets, and Alleys) [,] and §§111.51-111.53 of this title (relating to Particulate Matter from Industrial Processes) [,] and §111.91 of this title (relating to Superseded Rules) shall not apply to any person affected by the Texas Clean Air Act, §3.10(e) (relating to Certain Agricultural Processing Facilities).

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815070 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public hearings
For further information, please call (512) 451-5711, ext. 354.

The repeal is proposed under the authority of Texas Civil Statutes, Article 4477-5.

§111.61 (131.03.06.001). Applicability of Rules.
§111.62 (131.03.06.002). Time Requirement Extension.
§111.63 (131.03.06.003). Prevention of Nuisances.
§111.64 (131.03.06.004). Exemption: Counties.
§111.65 (131.03.06.005). Exemption: Facilities.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815069 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public
hearings
For further information, please call (512) 451-5711, ext. 354.

Exemptions

The Texas Air Control Board proposes a subchapter containing §§111.81-111.83 (relating to Exemptions) to more clearly state the types of and requirements for exemptions from this regulation. This proposed addition is replacement for and revision of the former rules of §§111.61-111.65, that is proposed for repeal.

The following new sections are proposed under the authority of Texas Civil Statutes, Article 4477-5.

§111.81. Exemption Policy. All portable facilities, and transient operations, such as portable rock crushers but excluding portable hot-mix asphaltic concrete facilities, engaged in public work projects in any county except Dallas or Harris are exempt from the requirements of §§111.21-111.27 of this title (relating to Visible Emissions) and §§111.51-111.53 of this title (relating to Particulate Matter from Industrial Processes) if the conditions of §111.82 of this title (relating to Requirements for Exemption) are met.

§111.82. Requirements for Exemption.

(a) The facility is located at least one mile outside the nearest corporate limits of any city or town.

(b) The facility is located at least one mile from any recreational area or any occupied building other than that located on the same property as the facility.

(c) The facility is equipped with cyclones, or wet scrubbers, or water sprays at the material transfer points open to the atmosphere, or other equipment or systems approved by the executive director, properly installed, in good working order, and in operation.

(d) The facility operates on the same property for a period not exceeding six months.

(e) The emissions from the facility do not create a nuisance.

§111.83. Extension of Exemption. Upon written request by the owner/operator of an exempted facility, the executive director may extend the period of the exemption.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815071 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public
hearings
For further information, please call (512) 451-5711, ext. 354.

Compliance

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Texas Air Control Board proposes to repeal §111.91 (131.03.08.001) of this title (relating to Superseded Rules) as it is unnecessary and probably confusing since effective dates for each amendment are specified at the end of the regulation.

The repeal is proposed under the authority of Texas Civil Statutes, Article 4477-5.

§111.91 (131.03.08.001). Superseded Rules.

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815072 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public
hearings
For further information, please call (512) 451-5711, ext. 354.

The Texas Air Control Board proposes to revise §111.92 (131.03.08.002) to specify where other compliance dates are noted in the regulation. Further revision is proposed to specify the effective date of the section as December 31, 1973.

The following amendments are proposed under the authority of Texas Civil Statutes, Article 4477-5.

§111.92 (131.03.08.002). Compliance Dates. Except as noted in **§111.76 (relating to Compliance) and paragraphs (1) and (2) of this subsection** [this section], all persons shall be in compliance with all provisions of Regulation I no later than **December 31, 1973** [the effective date of this section].

Issued in Austin, Texas, on July 24, 1981.

Doc. No. 815073 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: Following August 31
and September 8 public
hearings

For further information, please call (512) 451-5711, ext. 354. >

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System of Texas

(Editor's note: The following proposals submitted by the Employees Retirement System of Texas are the final segment of a two-part serialization which began in the July 28 issue. Chapters affected by this proposal are listed below. Proposed date of adoption for the submissions is August 31, 1981. New Chapters 71, 73, 75, 77, 79, 81, and 83 appear in this issue, as well as the notices of existing chapters submitted for repeal.)

Proposed New Chapters

Chapter 61. Terms and Phrases
Chapter 63. Board of Trustees
Chapter 65. Executive Director
Chapter 67. Hearings and Disputed Claims
Chapter 69. Membership and Refunds
Chapter 71. Creditable Service
Chapter 73. Benefits
Chapter 75. Hazardous Profession Death Benefit
Chapter 77. Judicial Retirement
Chapter 79. Social Security
Chapter 81. Insurance
Chapter 83. Investment Policies

Proposed Repeals

(The text of the following chapters, which are proposed for repeal, will not be published. The chapters may be examined in the offices of the Employees Retirement System of Texas, 18th and Brazos Streets, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

Chapter 61. Preamble
Chapter 63. Definitions
Chapter 65. Rulemaking
Chapter 67. Board of Trustees
Chapter 69. Administrative Procedure
Chapter 71. Membership

Chapter 73. Creditable Service
Chapter 75. Benefits
Chapter 77. Law Enforcement Death Program
Chapter 79. Judicial Retirement
Chapter 81. Social Security
Chapter 83. Uniform Group Insurance Program
Chapter 85. Investment Policies

The Board of Trustees of the Employees Retirement System of Texas proposes to adopt new chapters which are necessary to implement the various programs under its control. Most of the sections are simplified and clarified statements of matters previously covered. Language tracking statutory directives has been deleted as unnecessary. All new provisions have been identified.

Chapter 61, Terms and Phrases, provides definition for various terms and phrases utilized throughout the rules.

Chapter 63, Board of Trustees, sets forth the general powers and duties of the board.

Chapter 65, Executive Director, sets forth the general powers and duties of the executive director.

Chapter 67, Hearings and Disputed Claims, sets forth the method by which disputes over rights to benefits payable by the system are resolved.

Chapter 69, Membership and Refunds, clarifies statutory requirements for membership. Section 69.1 formalizes existing policies regarding retirement system membership of persons employed by independent school districts within state agencies. Section 69.4 formalizes existing policies granting a period of time in which persons receiving refunds of vested accounts may re-establish those accounts.

Chapter 71, Creditable Service, sets out the methods by which credit is granted in the elected and employee classes of service.

Chapter 73, Benefits, sets out the methods by which benefits are calculated by the system. Section 73.6 adopts existing procedures for computing benefits under the supplemental retirement program for custodial officers and commissioned peace officers and adopts, by reference, reduction factors for early retirement. Section 73.7(d) adopts, by reference, specific formulas used in the calculation of proportional retirement benefits. Section 73.11 carries forward usage of the mortality tables previously adopted by the board and adopts, by reference, the option and reduction tables based on them.

Chapter 75, Hazardous Profession Death Benefits, sets out the methods by which claims are filed for benefits payable under Texas Civil Statutes, Article 6228.

Chapter 77, Judicial Retirement, adopts, by reference reduction factors applicable to death benefit plans, sets the time a retirement becomes effective and defines "time of organized conflict."

Chapter 79, Social Security, sets out the guidelines for administering the Social Security Program for public entities authorized by Texas Civil Statutes, Articles 695g and 695h. The term "state holiday," as used in those statutes, is defined.